

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BERNHARD KUHMSTEDT

Plaintiff,

vs.

LIVINGLY MEDIA, INC.

Defendant.

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) CASE NO. 19-cv-05858-JSW

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) **RESPONSE TO ORDER
TO SHOW CAUSE**

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) Judge: Hon. Jeffrey S. White

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Richard Liebowitz, Esq., counsel for plaintiff respectfully submits the following response to the Court's order to show, dated October 22, 2019:

Judge Donato's "Order of Disbarment" [attached as Exhibit A] is in plain error and I have promptly filed a motion to vacate that order [attached as Exhibit B] The hearing date on that motion has been set for November 21, 2019.

Judge Donato's order rested on the presupposition that I was a member of the California state bar and admitted to practice law in this Court. I am not and was not. I am licensed to practice in New York. Because I was never a member of this Court in the first place, it is plainly erroneous to describe me as "disbarred." The "order of disbarment" flowed from the fact that I had filed a number of cases in this District without first designating local counsel. I have done that in other districts and it was never a problem to simply procure local counsel within 30 days after filing the

1 complaint. I recognize that this was in error in this District, but I have taken
2 corrective measures to avoid this practice and it certainly does not justify a
3 disbarment, which is the most severe of all sanctions.

4 Accordingly, I would respectfully request that the Court consider the flawed
5 logic of ordering an attorney “disbarred” who was never a member of the bar in the
6 first place. Second, I would request that if the Court finds that Judge Donato’s order
7 of disbarment is entitled to deference, then the Court should hold my pro hac vice
8 status in abeyance until such time as Judge Donato has ruled on my motion to vacate
9 that order.

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11 Respectfully Submitted:

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14 DATED: October 25, 2019

LIEBOWITZ LAW FIRM, PLLC

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16 By: /s/richardliebowitz
Richard Liebowitz
Attorneys for Plaintiff
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